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THE CITY OF NEW YORK  
LAW DEPARTMENT

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MEMO ENDORSED

BY HAND ONLY

Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 2260  
New York, NY 10007

Re: Mendez v. City of New York et al., 08 CV 3872 (PKC) (DE)

Dear District Judge Castel:

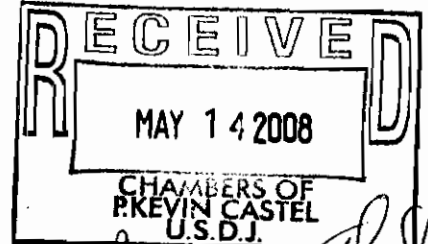
I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York assigned to the above-referenced case. I am writing with the consent of plaintiff's counsel, Jose Muniz, Esq., to respectfully request (1) that the City be granted a sixty-day enlargement of time, from May 14, 2008 to July 14, 2008, to answer or otherwise respond to the complaint, and (2) that the initial conference currently scheduled for May 30, 2008 at 10:15 a.m., be adjourned until after issue is joined. This is City's first request for an enlargement of time in this action.

The complaint alleges, *inter alia*, that plaintiff was falsely arrested, falsely imprisoned, and subjected to malicious prosecution. In addition to the City of New York, plaintiff purports to name Detective Timothy Nolan and Sergeant Aviles as defendants.<sup>1</sup> Before this office can

<sup>1</sup> On information and belief, it does not appear that service of the summons and complaint in this action on the individual defendants has been completed. Without appearing on their behalf, I also respectfully request that the individually named defendants' time to answer or otherwise respond to the complaint also be extended until July 14, 2008.

Two to respond  
to complaint for all  
defendants extended to  
July 14.  
Initial conference  
from May 30  
2:15 pm.

May 13, 2008



SO ORDERED  
5-14-08


adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. The enlargement of time will afford us the opportunity to investigate the matter.

Moreover, the enlargement will allow us to ascertain whether the individually named Officers have been properly served. If service has been effectuated then, pursuant to Section 50-k of the New York General Municipal Law, this office must determine, based on a review of the case, whether we may represent the individually named defendants. The named defendants must each then decide whether he/she wishes to be represented by this office. If so, we must obtain his/her written authorization. Only after this procedure has been followed can we determine how to proceed in this case. See Mercurio v. The City of New York, et al., 758 F.2d 862, 854-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision to represent individual defendants is made by the Corporation Counsel as set forth in state law)). In view of the foregoing, it is respectfully requested that the Court grant the within request extending the City's time to answer the complaint until July 14, 2008.

Additionally, the City respectfully requests that the initial pre-trial conference, scheduled for May 30, 2008 at 10:15 a.m., be adjourned until after issue is joined.

Thank you for your consideration in this regard.

Respectfully submitted,

  
Stuart E. Jacobs (SJ 8379)  
Assistant Corporation Counsel  
Special Federal Litigation Division

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